

priate provisions of title 28, as set out in section 1 of this Act, pursuant to his prior appointment: *Provided, however*, That each circuit court of appeals shall, as in said title 28 set out, hereafter be known as a United States court of appeals. No loss of rights, interruption of jurisdiction, or prejudice to matters pending in any of such courts on the effective date of this Act shall result from its enactment.”

CROSS REFERENCES

District of Columbia, organization of courts, see Title 11 of District of Columbia Code.

Territorial courts, see Title 48, Territories and Insular Possessions.

United States Tax Court, see section 7441 et seq. of Title 26, Internal Revenue Code.

TITLE REFERRED TO IN OTHER SECTIONS

This title is referred to in title 9 section 4; title 5 section 8477; title 10 section 1054; title 11 section 105; title 12 section 2244; title 16 sections 18i, 558c, 742i, 823b, 3375; title 22 sections 2702, 4606; title 23 section 307; title 29 section 1706; title 38 section 7316; title 42 sections 233, 300g-3, 300i-1, 300j-23, 3789h, 5055, 8433; title 43 section 1737; title 48 sections 1424-4, 1614, 1821, 1824.

PART I—ORGANIZATION OF COURTS

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AMENDMENTS

1992—Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516, substituted “United States Court of Federal Claims” for “United States Claims Court” in item for chapter 7.

1990—Pub. L. 101-650, title I, §103(d), Dec. 1, 1990, 104 Stat. 5096, added item for chapter 23.

1984—Pub. L. 98-353, title I, §104(b), July 10, 1984, 98 Stat. 342, added item for chapter 6.

1982—Pub. L. 97-164, title I, §§105(b), 106, Apr. 2, 1982, 96 Stat. 28, substituted “United States Claims Court” for “Court of Claims” in item for chapter 7 and struck out item for chapter 9 “Court of Customs and Patent Appeals”.

1980—Pub. L. 96-417, title V, §501(1), Oct. 10, 1980, 94 Stat. 1742, substituted “Court of International Trade” for “Customs Court” in item for chapter 11.

1978—Pub. L. 98-598, title II, §201(b), Nov. 6, 1978, 92 Stat. 2660, directed amendment of analysis of chapters comprising part I by adding item for chapter 6 “Bankruptcy courts”, which amendment did not become effective pursuant to section 402(b) of Pub. L. 95-598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

¹Chapter heading amended by Pub. L. 92-397 without corresponding amendment of analysis.

EXECUTIVE ORDER NO. 11992

Ex. Ord. No. 11992, May 24, 1977, 42 F.R. 27195, which established Committee on Selection of Federal Judicial Officers and provided for its membership, functions, etc., was revoked, and Committee terminated, by Ex. Ord. No. 12305, May 5, 1981, 46 F.R. 25421, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

CHAPTER 1—SUPREME COURT

Sec.

1. Number of justices; quorum.
2. Terms of court.
3. Vacancy in office of Chief Justice; disability.
4. Precedence of associate justices.
5. Salaries of justices.
6. Records of former court of appeals.

RULES OF THE SUPREME COURT

See Appendix to this title.

CROSS REFERENCES

Allotment of Supreme Court Justices to circuits, see section 42 of this title.

Circuit justices competent to sit as judges of the courts of appeals, see section 43 of this title.

Jurisdiction of Supreme Court, see section 1251 et seq. of this title.

§ 1. Number of justices; quorum

The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight associate justices, any six of whom shall constitute a quorum.

(June 25, 1948, ch. 646, 62 Stat. 869.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §321 (Mar. 3, 1911, ch. 231, §215, 36 Stat. 1152).

Appointment of “judges of the Supreme Court” by the President by and with the advice and consent of the Senate is provided by U.S. Constitution art. 2, §2, cl. 2.

SHORT TITLE OF 1994 AMENDMENTS

Pub. L. 103-420, §1, Oct. 25, 1994, 108 Stat. 4343, provided that: “This Act [amending section 612 of this title, amending provisions set out as notes under sections 471 and 651 of this title, and repealing provisions set out as a note under section 651 of this title] may be cited as the ‘Judicial Amendments Act of 1994’.”

Pub. L. 103-383, §1, Oct. 20, 1994, 108 Stat. 4063, provided that: “This Act [enacting section 1738B of this title and provisions set out as a note under section 1738B of this title] may be cited as the ‘Full Faith and Credit for Child Support Orders Act’.”

Pub. L. 103-270, §1, June 30, 1994, 108 Stat. 732, provided that: “This Act [amending sections 591 to 596 and 599 of this title and enacting provisions set out as notes under section 591 of this title and section 113 of Title 3, The President] may be cited as the ‘Independent Counsel Reauthorization Act of 1994’.”

SHORT TITLE OF 1992 AMENDMENTS

Pub. L. 102-572, §1, Oct. 29, 1992, 106 Stat. 4506, provided that: “This Act [see Tables for classification] may be cited as the ‘Federal Courts Administration Act of 1992’.”

Pub. L. 102-572, title IX, §901, Oct. 29, 1992, 106 Stat. 4516, provided that: “This title [see Tables for classification] may be cited as the ‘Court of Federal Claims Technical and Procedural Improvements Act of 1992’.”

Pub. L. 102-559, §1, Oct. 28, 1992, 106 Stat. 4227, provided that: “This Act [enacting chapter 178 of this title and provisions set out as a note under section 3701 of this title] may be cited as the ‘Professional and Amateur Sports Protection Act’.”

Pub. L. 102-417, §1, Oct. 14, 1992, 106 Stat. 2138, provided that: “This Act [amending section 1821 of this title and enacting provisions set out as a note under section 1821 of this title] may be cited as the ‘Incarcerated Witness Fees Act of 1991’.”

Pub. L. 102-361, §1, Aug. 26, 1992, 106 Stat. 965, provided that: “This Act [amending section 152 of this title and enacting provisions set out as a note under section 152 of this title] may be cited as the ‘Bankruptcy Judgeship Act of 1992’.”

SHORT TITLE OF 1990 AMENDMENTS

Pub. L. 101-650, §1, Dec. 1, 1990, 104 Stat. 5089, provided: “That this Act [see Tables for classification] may be cited as the ‘Judicial Improvements Act of 1990’.”

Pub. L. 101-650, title I, §101, Dec. 1, 1990, 104 Stat. 5089, provided that: “This title [enacting chapter 23 of this title and provisions set out as notes under section 471 of this title] may be cited as the ‘Civil Justice Reform Act of 1990’.”

Pub. L. 101-650, title II, §201, Dec. 1, 1990, 104 Stat. 5098, provided that: “This title [amending sections 44 and 133 of this title and enacting provisions set out as notes under sections 44, 133, and 331 of this title] may be cited as the ‘Federal Judgeship Act of 1990’.”

Pub. L. 101-650, title III, §301, Dec. 1, 1990, 104 Stat. 5104, provided that: “This title [enacting sections 178, 1367, and 1658 of this title and section 8440b of Title 5, Government Organization and Employees, amending sections 108, 112, 122, 133, 152, 158, 332, 333, 375, 376, 377, 601, 602, 604, 631, 636, 995, 996, 1334, 1391, 1441, 1452, 1499, 1605, 1610, 1821, 1871, and 2072 of this title, sections 8331, 8334, 8336, 8339, and 8402 of Title 5, provisions set out in the Appendix to Title 5, and section 305 of Title 11, Bankruptcy, renumbering section 15 of Title 9, Arbitration, as section 16 of Title 9, enacting provisions set out as notes under sections 376, 620, 631, 1367, and 1658 of this title, section 8331 of Title 5, section 307 of Title 11, and sections 3006A and 3551 of Title 18, Crimes and Criminal Procedure, and amending provisions set out as notes under sections 533 and 581 of this title] may be cited as the ‘Federal Courts Study Committee Implementation Act of 1990’.”

Pub. L. 101-650, title IV, §401, Dec. 1, 1990, 104 Stat. 5122, provided that: “This title [amending sections 332, 372, 453, and 2077 of this title and provisions set out in the Appendix to Title 5, Government Organization and Employees, and enacting provisions set out as notes under sections 332 and 372 of this title] may be cited as the ‘Judicial Discipline and Removal Reform Act of 1990’.”

Pub. L. 101-647, title XXXVI, §3601, Nov. 29, 1990, 104 Stat. 4933, provided that: “This title [enacting chapter 176 and section 2044 of this title, amending sections 550, 1962, 1963, and 2410 of this title, section 523 of Title 11, Bankruptcy, and sections 3142 and 3552 of Title 18, Crimes and Criminal Procedure, and enacting provisions set out as a note under section 3001 of this title] may be cited as the ‘Federal Debt Collection Procedures Act of 1990’.”

SHORT TITLE OF 1988 AMENDMENTS

Pub. L. 100-702, §1, Nov. 19, 1988, 102 Stat. 4642, provided that: “This Act [see Tables for classification] may be cited as the ‘Judicial Improvements and Access to Justice Act’.”

Pub. L. 100-702, title VII, §701, Nov. 19, 1988, 102 Stat. 4654, provided that: “This title [amending section 1827 of this title and enacting provisions set out as notes under section 1827 of this title] may be cited as the ‘Court Interpreter Amendments Act of 1988’.”

Pub. L. 100-694, §1, Nov. 18, 1988, 102 Stat. 4563, provided that: “This Act [enacting section 831c-2 of Title 16, Conservation, amending sections 2671, 2674, and 2679 of this title, and enacting provisions set out as notes under sections 2671 and 2679 of this title] may be cited as the ‘Federal Employees Liability Reform and Tort Compensation Act of 1988’.”

Pub. L. 100-659, §1, Nov. 15, 1988, 102 Stat. 3910, provided that: “This Act [enacting section 377 of this title and section 8440a of Title 5, Government Organization and Employees, amending sections 155, 375, 376, 604, 631, and 636 of this title and sections 8334 and 8402 of Title 5, and enacting provisions set out as notes under sections 376 and 377 of this title] may be cited as the ‘Retirement and Survivors’ Annuities for Bankruptcy Judges and Magistrates Act of 1988’.”

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-191, §1, Dec. 15, 1987, 101 Stat. 1293, provided that: “This Act [enacting section 599 of this title, amending sections 49 and 591 to 598 of this title, sections 203 and 205 of Pub. L. 95-521, set out in the Appendix to Title 5, Government Organization and Employees, and section 202 of Title 18, Crimes and Criminal Procedure, enacting provisions set out as a note under section 591 of this title, and amending provisions set out as a note under section 591 of this title] may be cited as the ‘Independent Counsel Reauthorization Act of 1987’.”

SHORT TITLE OF 1986 AMENDMENTS

Pub. L. 99-657, §1, Nov. 14, 1986, 100 Stat. 3670, provided that: “This Act [amending sections 90 and 121 of this title and enacting provisions set out as a note under section 121 of this title] may be cited as the ‘Judicial Housekeeping Act of 1986’.”

Pub. L. 99-570, §1151, Oct. 27, 1986, 100 Stat. 3207-12, provided that: “This subtitle [subtitle D (§§1151-1153) of title I of Pub. L. 99-570, amending section 524 of this title, section 1963 of Title 18, Crimes and Criminal Procedure, section 1613a of Title 19, Customs Duties, and section 853 of Title 21, Food and Drugs, and repealing section 1613b of Title 19] may be cited as the ‘Department of Justice Assets Forfeiture Fund Amendments Act of 1986’.”

Pub. L. 99-363, §1, July 11, 1986, 100 Stat. 770, provided that: “This Act [amending section 994 of this title] may be cited as the ‘Sentencing Guidelines Act of 1986’.”

Pub. L. 99-336, §1, June 19, 1986, 100 Stat. 633, provided that: “This Act [amending sections 376, 620, 1441, 1914, and 2342 of this title, section 288d of Title 2, The Congress, and sections 8706, 8714a, 8714b, and 8714c of Title 5, Government Organization and Employees, and enacting provisions set out as notes under sections 376, 620, 1441, 1914, and 2342 of this title, and section 8706 of Title 5] may be cited as the ‘Judicial Improvements Act of 1985’.”

SHORT TITLE OF 1984 AMENDMENTS

Pub. L. 98-620, §404, Nov. 8, 1984, 98 Stat. 3361, provided that: “This subtitle [subtitle B (§§404-411) of title IV of Pub. L. 98-620, amending sections 85, 90, 93, 112, 124, and 126 of this title and enacting provisions set out as notes under sections 85, 90, 93, and 124 of this title] may be cited as the ‘Federal District Court Organization Act of 1984’.”

Pub. L. 98-620, prec. §412, Nov. 8, 1984, 98 Stat. 3362, provided that: “This subtitle [subtitle C (§§412-416) of title IV of Pub. L. 98-620, enacting section 798 of this title, amending section 1292 of this title, section 1071 of Title 15, Commerce and Trade, section 1337 of Title 19, Customs Duties, and sections 142 to 144 of Title 35, Patents, and enacting provisions set out as notes under section 713 of this title and section 142 of Title 35] may be cited as the ‘Technical Amendments to the Federal Courts Improvement Act of 1982’.”

For short title of Pub. L. 98-353 as the Bankruptcy Amendments and Federal Judgeship Act of 1984, see section 1 of Pub. L. 98-353, set out as a note under section 151 of this title.

SHORT TITLE OF 1983 AMENDMENT

Pub. L. 97-409, §1, Jan. 3, 1983, 96 Stat. 2039, provided: “That this Act [amending sections 49, 591, and 592 to 598 of this title and amending provisions set out as a note under section 591 of this title] may be cited as the ‘Ethics in Government Act Amendments of 1982’.”

SHORT TITLE OF 1982 AMENDMENTS

For short title of sections 2 to 6 of Pub. L. 97-394 as the Indian Claims Limitation Act of 1982, see section 1 of Pub. L. 97-394, set out as a note under section 2415 of this title.

Pub. L. 97-292, § 1, Oct. 12, 1982, 96 Stat. 1259, provided: “That this Act [amending section 534 of this title] may be cited as the ‘Missing Children Act’.”

Pub. L. 97-164, § 1, Apr. 2, 1982, 96 Stat. 25, provided: “That this Act [see Tables for classification] may be cited as the ‘Federal Courts Improvement Act of 1982’.”

SHORT TITLE OF 1980 AMENDMENTS

Pub. L. 96-486, § 1, Dec. 1, 1980, 94 Stat. 2369, provided: “That this Act [amending section 1331 of this title and section 2072 of Title 15, Commerce and Trade, and enacting provisions set out as a note under section 1331 of this title] may be cited as the ‘Federal Question Jurisdictional Amendments Act of 1980’.”

Pub. L. 96-462, § 1, Oct. 15, 1980, 94 Stat. 2053, provided that: “This Act [amending sections 84, 95, 105, 113, and 124 of this title and enacting provisions set out as notes under sections 84, 95, 105, and 113 of this title] may be cited as the ‘Federal District Court Organization Act of 1980’.”

Pub. L. 96-458, § 1, Oct. 15, 1980, 94 Stat. 2035, provided that: “This Act [amending sections 331, 332, 372, and 604 of this title and enacting provisions set out as notes under section 331 of this title] may be cited as the ‘Judicial Councils Reform and Judicial Conduct and Disability Act of 1980’.”

Pub. L. 96-452, § 1, Oct. 14, 1980, 94 Stat. 1994, provided: “That this Act [amending sections 41, 44, and 48 of this title and enacting provisions set out as notes under section 41 of this title] may be cited as the ‘Fifth Circuit Court of Appeals Reorganization Act of 1980’.”

Pub. L. 96-417, § 1, Oct. 10, 1980, 94 Stat. 1727, provided: “That this Act [see Tables for classification] may be cited as the ‘Customs Courts Act of 1980’.”

SHORT TITLE OF 1979 AMENDMENT

For short title of Pub. L. 96-82, as the “Federal Magistrate Act of 1979”, see section 1 of Pub. L. 96-82, set out as a note under section 631 of this title.

SHORT TITLE OF 1978 AMENDMENTS

For short title of Pub. L. 95-572 as the “Jury System Improvements Act of 1978”, see section 1 of Pub. L. 95-572, set out as a note under section 1861 of this title.

Pub. L. 95-539, § 1, Oct. 28, 1978, 92 Stat. 2040, provided: “That this Act [enacting sections 1827 and 1828 of this title, amending sections 602 to 604 and 1920 of this title, enacting provisions set out as notes under section 602 of this title, and repealing provisions set out as a note under section 602 of this title] may be cited as the ‘Court Interpreters Act’.”

Pub. L. 95-408, § 1, Oct. 2, 1978, 92 Stat. 883, provided that: “This Act [amending sections 89, 93, 97, 98, 104, 112, 114, 133 of this title and enacting provisions set out as a note under section 89 of this title] may be cited as the ‘Federal District Court Organization Act of 1978’.”

SHORT TITLE OF 1976 AMENDMENTS

Pub. L. 94-583, § 1, Oct. 21, 1976, 90 Stat. 2891, provided: “That this Act [enacting sections 1330 and 1602 to 1611 of this title, amending sections 1332, 1391, and 1441 of this title, and enacting provisions set out as notes under section 1602 of this title] may be cited as the ‘Foreign Sovereign Immunities Act of 1976’.”

Pub. L. 94-554, § 1, Oct. 19, 1976, 90 Stat. 2603, provided: “That this Act [amending section 376 of this title and enacting provisions set out as notes under section 376 of this title] may be cited as the ‘Judicial Survivors’ Annuities Reform Act’.”

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-271, title I, § 101, June 2, 1970, 84 Stat. 274, provided that: “This title [enacting sections 256 and 257

of this title, amending sections 253 to 255, 1541, 1582, 2601, 2602, and 2631 to 2639 of this title, repealing sections 1583 and 2640 to 2642 of this title, and enacting provisions set out as a note under section 256 of this title] may be cited as ‘The Customs Courts Act of 1970’.”

SHORT TITLE OF 1966 AMENDMENT

Pub. L. 89-504, title II, § 201, July 18, 1966, 80 Stat. 293, provided that: “This title [enacting provisions set out as notes under sections 603, 604, and 753 of this title] may be cited as the ‘Federal Judicial Salary Act of 1966’.”

SHORT TITLE OF 1964 AMENDMENT

Pub. L. 88-426, title IV, § 401, Aug. 14, 1964, 78 Stat. 433, provided that: “This title [amending sections 5, 44, 135, 173, 213, 252, 603, and 792 of this title, section 867 of Title 10, Armed Forces, section 68 of former Title 11, Bankruptcy, and section 7443 of Title 26, Internal Revenue Code, and enacting provisions set out as notes under sections 603, 604 and 753 of this title] may be cited as the ‘Federal Judicial Salary Act of 1964’.”

RULES OF THE SUPREME COURT

Quorum, see rule 4, Appendix to this title.

CROSS REFERENCES

Appointment of Supreme Court Justices, see Const., Art. 2, § 2, cl. 2.

Creation of Supreme Court, see Const., Art. 3, § 1.

Justices to hold office during good behavior, see Const., Art. 3, § 1.

Oath of Justice, see section 453 of this title.

Official station of Supreme Court Justices, see section 456 of this title.

§ 2. Terms of court

The Supreme Court shall hold at the seat of government a term of court commencing on the first Monday in October of each year and may hold such adjourned or special terms as may be necessary.

(June 25, 1948, ch. 646, 62 Stat. 869.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 338 (Mar. 3, 1911, ch. 231, § 230, 36 Stat. 1156; Sept. 6, 1916, ch. 448, § 1, 39 Stat. 726).

Minor changes in phraseology were made.

RULES OF THE SUPREME COURT

Term, see rule 3, Appendix to this title.

CROSS REFERENCES

Courts always open, see section 452 of this title.

Official station of Supreme Court Justices, see section 456 of this title.

Seat of the Government, see chapter 3 of Title 4, Flag and Seal, Seat of Government, and the States.

§ 3. Vacancy in office of Chief Justice; disability

Whenever the Chief Justice is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the associate justice next in precedence who is able to act, until such disability is removed or another Chief Justice is appointed and duly qualified.

(June 25, 1948, ch. 646, 62 Stat. 869.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 323 (Mar. 3, 1911, ch. 231, § 217, 36 Stat. 1152).

The sentence, “This provision shall apply to every Associate Justice who succeeds to the office of Chief Justice”, was omitted as covered by last portion of revised section.

Minor changes were made in phraseology.

For seniority of commissions, see section 4 of this title.

§ 4. Precedence of associate justices

Associate justices shall have precedence according to the seniority of their commissions. Justices whose commissions bear the same date shall have precedence according to seniority in age.

(June 25, 1948, ch. 646, 62 Stat. 869.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 322 (Mar. 3, 1911, ch. 231, § 216, 36 Stat. 1152).

Minor changes in phraseology were made.

§ 5. Salaries of justices

The Chief Justice and each associate justice shall each receive a salary at annual rates determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title.

(June 25, 1948, ch. 646, 62 Stat. 870; Mar. 2, 1955, ch. 9, § 1(a), 69 Stat. 9; Aug. 14, 1964, Pub. L. 88–426, title IV, § 403(a), 78 Stat. 434; Aug. 9, 1975, Pub. L. 94–82, title II, § 205(b)(1), 89 Stat. 422.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 324 (Mar. 3, 1911, ch. 231, § 218, 36 Stat. 1152; Dec. 13, 1926, ch. 6, § 1, 44 Stat. 919; July 31, 1946, ch. 704, § 1, 60 Stat. 716).

The provision “to be paid monthly” was omitted since the time of payment of salaries is a matter of administrative convenience. (See 20 Comp. Gen. 834.)

Minor changes in phraseology were made.

REFERENCES IN TEXT

Section 225 of the Federal Salary Act of 1967, referred to in text, is section 225 of Pub. L. 90–206, Dec. 16, 1967, 81 Stat. 642, as amended, which is classified to chapter 11 (§ 351 et seq.) of Title 2, The Congress.

AMENDMENTS

1975—Pub. L. 94–82 substituted provisions setting the annual salary of the Chief Justice and each associate justice at rates determined under section 225 of the Federal Salary Act of 1967, as adjusted by section 461 of this title, for provisions granting the Chief Justice and each associate justice a salary of \$40,000 and \$39,500 a year, respectively.

1964—Pub. L. 88–426 increased salary of Chief Justice from \$35,500 to \$40,000 and that of Associate Justices from \$35,000 to \$39,500.

1955—Act Mar. 2, 1955, increased salary of Chief Justice from \$25,500 to \$35,500 and salaries of Associate Justices from \$25,000 to \$35,000 a year.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–426 effective on first day of first pay period which begins on or after July 1, 1964, except to extent provided in section 501(c) of Pub. L. 88–426, see section 501 of Pub. L. 88–426.

EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act Mar. 2, 1955, effective Mar. 1, 1955, see section 5 of act Mar. 2, 1955, set out as a note under section 31 of Title 2, The Congress.

SALARY INCREASES

1996—Salaries of Chief Justice and Associate Justices continued at \$171,500 and \$164,100 per annum, respec-

tively, by Ex. Ord. No. 12984, Dec. 28, 1995, 61 F.R. 237, set out as a note under section 5332 of Title 5, Government Organization and Employees.

1995—Salaries of Chief Justice and Associate Justices continued at \$171,500 and \$164,100 per annum, respectively, by Ex. Ord. No. 12944, Dec. 28, 1994, 60 F.R. 309, formerly set out as a note under section 5332 of Title 5.

1993—Salaries of Chief Justice and Associate Justices increased to \$171,500 and \$164,100 per annum, respectively, effective on first day of first pay period beginning on or after Jan. 1, 1993, by Ex. Ord. No. 12826, Dec. 30, 1992, 57 F.R. 62909, formerly set out as a note under section 5332 of Title 5.

1992—Salaries of Chief Justice and Associate Justices increased to \$166,200 and \$159,000 per annum, respectively, effective on first day of first pay period beginning on or after Jan. 1, 1992, by Ex. Ord. No. 12786, Dec. 26, 1991, 56 F.R. 67453, formerly set out as a note under section 5332 of Title 5.

1991—Salaries of Chief Justice and Associate Justices increased to \$160,600 and \$153,600 per annum, respectively, effective on first day of first pay period beginning on or after Jan. 1, 1991, by Ex. Ord. No. 12736, Dec. 12, 1990, 55 F.R. 51385, formerly set out as a note under section 5332 of Title 5.

1990—Salaries of Chief Justice and Associate Justices continued respectively at \$115,000 and \$110,000 per annum, and increased to \$124,000 and \$118,600, respectively, effective on first day of first pay period beginning on or after Jan. 31, 1990, by Ex. Ord. No. 12698, Dec. 23, 1989, 54 F.R. 53473, formerly set out as a note under section 5332 of Title 5.

1989—Salaries of Chief Justice and Associate Justices increased in the amount of 25 percent of their respective rates (as last in effect before the increase), effective Jan. 1, 1991, see Pub. L. 101–194, title VII, § 703(a)(3), Nov. 30, 1989, 103 Stat. 1768, set out as a note under section 5318 of Title 5.

Salaries of Chief Justice and Associate Justices continued respectively at \$115,000 and \$110,000 per annum by Ex. Ord. No. 12663, Jan. 6, 1989, 54 F.R. 791, formerly set out as a note under section 5332 of Title 5.

1988—Salaries of Chief Justice and Associate Justices continued respectively at \$115,000 and \$110,000 per annum by Ex. Ord. No. 12622, Dec. 31, 1987, 53 F.R. 222, formerly set out as a note under section 5332 of Title 5.

1987—Salaries of Chief Justice and Associate Justices increased respectively to \$115,000 and \$110,000 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

Salaries of Chief Justice and Associate Justices increased to \$111,700 and \$107,200, respectively, effective on first day of first pay period beginning on or after Jan. 1, 1987, by Ex. Ord. No. 12578, Dec. 31, 1986, 52 F.R. 505, formerly set out as a note under section 5332 of Title 5, Government Organization and Employees.

1985—Salaries of Chief Justice and Associate Justices increased to \$108,400 and \$104,100, respectively, effective on first day of first pay period beginning on or after Jan. 1, 1985, by Ex. Ord. No. 12496, Dec. 28, 1984, 50 F.R. 211, as amended by Ex. Ord. No. 12540, Dec. 30, 1985, 51 F.R. 577, formerly set out as a note under section 5332 of Title 5.

1984—Salaries of Chief Justice and Associate Justices increased to \$104,700 and \$100,600, respectively, effective on first day of first pay period beginning on or after Jan. 1, 1984, by Ex. Ord. No. 12456, Dec. 30, 1983, 49 F.R. 347, as amended Ex. Ord. No. 12477, May 23, 1984, 49 F.R. 22041; Ex. Ord. No. 12487, Sept. 14, 1984, 49 F.R. 36493, formerly set out as a note under section 5332 of Title 5.

1982—Salaries of Chief Justice and Associate Justices increased to \$100,700 and \$96,700, respectively, effective on first day of first pay period beginning on or after Oct. 1, 1982, by Ex. Ord. No. 12387, Oct. 8, 1982, 47 F.R. 44981, formerly set out as a note under section 5332 of Title 5. Ex. Ord. No. 12387 further provided that pursuant to section 140 of Pub. L. 97–92, funds are not available to pay a salary at a rate which exceeds the rate in effect on Dec. 15, 1981, which was \$96,800 for the Chief Justice and \$93,000 for the Associate Justices.

Maximum rates payable after Dec. 17, 1982, increased from \$96,800 and \$93,000 to \$100,700 and \$96,700, respectively, see Pub. L. 97-377, title I, § 129(b)-(d), Dec. 21, 1982, 96 Stat. 1941, set out as a note under section 5318 of Title 5.

Limitations on use of funds for fiscal year ending Sept. 30, 1983, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see section 101(e) of Pub. L. 97-276, as amended, set out as a note under section 5318 of Title 5.

1981—Salaries of Chief Justice and Associate Justices increased to \$96,800 and \$93,000, respectively, effective on first day of first pay period beginning on or after Oct. 1, 1981, by Ex. Ord. No. 12330, Oct. 15, 1981, 46 F.R. 50921, formerly set out as a note under section 5332 of Title 5.

Limitations on use of funds for fiscal year ending Sept. 30, 1982, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see sections 101(g) and 141 of Pub. L. 97-92, set out as a note under section 5318 of Title 5.

1980—Salaries of Chief Justice and Associate Justices increased to \$92,400 and \$88,700, respectively, effective on first day of first pay period beginning on or after Oct. 1, 1980, by Ex. Ord. No. 12248, Oct. 16, 1980, 45 F.R. 69199, formerly set out as a note under section 5332 of Title 5. Ex. Ord. No. 12248 further provided that pursuant to Pub. L. 96-369 funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1980, which was \$79,125 for the Chief Justice and \$75,960 for the Associate Justices.

Limitations on use of funds for fiscal year ending Sept. 30, 1981, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see section 101(c) of Pub. L. 96-536, as amended, set out as a note under section 5318 of Title 5.

1979—Salaries of Chief Justice and Associate Justices increased to \$84,700 and \$81,300, respectively, effective on first day of first pay period beginning on or after Oct. 1, 1979, by Ex. Ord. No. 12165, Oct. 9, 1979, 44 F.R. 58671, as amended by Ex. Ord. No. 12200, Mar. 12, 1980, 45 F.R. 16443, formerly set out as a note under section 5332 of Title 5. Ex. Ord. No. 12165 further provided that pursuant to Pub. L. 96-86 funds appropriated for fiscal year 1980 may not be used to pay a salary at a rate which exceeds an increase of 5.5 percent over the applicable rate payable for such position or office in effect on Sept. 30, 1978, which was \$79,125 for the Chief Justice and \$75,960 for the Associate Justices.

Applicability to funds appropriated by any Act for fiscal year ending Sept. 30, 1980, of limitation of section 304 of Pub. L. 95-391 on use of funds to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above Level V of the Executive Schedule, see section 101 of Pub. L. 96-86, set out as a note under section 5318 of Title 5.

1978—Salaries of Chief Justice and Associate Justices increased to \$79,100 and \$76,000, respectively, effective on first day of first pay period beginning on or after Oct. 1, 1978, by Ex. Ord. No. 12087, Oct. 7, 1978, 43 F.R. 46823, formerly set out as a note under section 5332 of Title 5. Ex. Ord. No. 12087, further provided that pursuant to the Legislative Branch Appropriation Act, 1979 [Pub. L. 95-391, title III § 304, Sept. 30, 1978, 92 Stat. 788, set out as a note under section 5318 of Title 5], funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1978, which was \$75,000 for the Chief Justice and \$72,000 for the Associate Justices.

1977—Salaries of Chief Justice and Associate Justices increased respectively to \$75,000 and \$72,000 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

1976—Salaries of Chief Justice and Associate Justices increased to \$68,800 and \$66,000, respectively, effective

on first day of first pay period beginning on or after Oct. 1, 1976, by Ex. Order No. 11941, Oct. 1, 1976, 41 F.R. 43889, formerly set out as a note under section 5332 of Title 5, Government Organization and Employees. Ex. Ord. No. 11941, further provided that pursuant to the Legislative Branch Appropriation Act, 1977, funds are not available to pay a salary at a rate which exceeds the rate in effect on Sept. 30, 1976, which was \$65,600 for the Chief Justice and \$63,000 for the Associate Justices.

1975—Salaries of Chief Justice and Associate Justices increased to \$65,600 and \$63,000, respectively, effective on first day of first pay period beginning on or after Oct. 1, 1975, by Ex. Order No. 11883, Oct. 6, 1975, 40 F.R. 47091, formerly set out as a note under section 5332 of Title 5.

1969—Salaries of Chief Justice and Associate Justices increased respectively from \$40,000 and \$39,500 to \$62,500 and \$60,000 per annum, commencing Feb. 14, 1969, on recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

1946—Salary of Chief Justice increased from \$20,500 to \$25,500 a year, and salaries of associate justices increased from \$20,000 to \$25,000 a year, by act July 31, 1946, ch. 704, § 1, 60 Stat. 716.

1926—Salary of Chief Justice increased from \$15,000 to \$20,500 a year, and salaries of associate justices increased from \$14,500 to \$20,000 a year, by act Dec. 13, 1926, ch. 6, § 1, 44 Stat. 919.

1911—Salary of Chief Justice set at \$15,000 a year and salaries of associate justices set at \$14,500 a year by Judicial Code of 1911, act Mar. 3, 1911, ch. 231, § 1, 36 Stat. 1152.

CROSS REFERENCES

Compensation not to be diminished during continuance in office, see Const. Art. 3, § 1.

Payment of salaries by marshal of Supreme Court, see section 672 of this title.

Retirement of Justices, see section 371 et seq. of this title.

Traveling and subsistence expenses of Justices, payment of, see section 456 of this title.

§ 6. Records of former court of appeals

The records and proceedings of the court of appeals, appointed previous to the adoption of the Constitution, shall be kept until deposited with the National Archives of the United States in the office of the clerk of the Supreme Court, who shall furnish copies thereof to any person requiring and paying for them, in the manner provided by law for giving copies of the records and proceedings of the Supreme Court. Such copies shall have the same faith and credit as proceedings of the Supreme Court.

(June 25, 1948, ch. 646, 62 Stat. 870; Oct. 25, 1951, ch. 562, § 4(7), 65 Stat. 640.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 329 (Mar. 3, 1911, ch. 231, § 222, 36 Stat. 1153).

In a letter dated August 8, 1944, the clerk of the Supreme Court advised that many of the early records mentioned in this section were destroyed by fire. Others are on file in the Clerk's office.

Minor changes in phraseology were made.

AMENDMENTS

1951—Act Oct. 25, 1951, inserted "until deposited with the National Archives of the United States" in first sentence.

CROSS REFERENCES

Management and disposition of records, see sections 2101 et seq., 2301 et seq., 2501 et seq., 2901 et seq., 3101 et

seq., and 3301 et seq. of Title 44, Public Printing and Documents.

CHAPTER 3—COURTS OF APPEALS

Sec.	
41.	Number and composition of circuits.
42.	Allotment of Supreme Court justices to circuits.
43.	Creation and composition of courts.
44.	Appointment, tenure, residence and salary of circuit judges.
45.	Chief judges; precedence of judges.
46.	Assignment of judges; panels; hearings; quorum.
47.	Disqualification of trial judge to hear appeal.
48.	Terms of court.
49.	Assignment of judges to division to appoint independent counsels.

AMENDMENTS

1983—Pub. L. 97-409, §2(b)(2), Jan. 3, 1983, 96 Stat. 2039, substituted “independent counsels” for “special prosecutors” in item 49.

1978—Pub. L. 95-521, title VI, §602(b), Oct. 26, 1978, 92 Stat. 1874, added item 49.

Pub. L. 95-486, §5(c), Oct. 20, 1978, 92 Stat. 1633, substituted “panels” for “divisions” in item 46.

CROSS REFERENCES

Jurisdiction of courts of appeals, see section 1291 et seq. of this title.

§ 41. Number and composition of circuits

The thirteen judicial circuits of the United States are constituted as follows:

Circuits	Composition
District of Columbia	District of Columbia.
First	Maine, Massachusetts, New Hampshire, Puerto Rico, Rhode Island.
Second	Connecticut, New York, Vermont.
Third	Delaware, New Jersey, Pennsylvania, Virgin Islands.
Fourth	Maryland, North Carolina, South Carolina, Virginia, West Virginia.
Fifth	District of the Canal Zone, Louisiana, Mississippi, Texas.
Sixth	Kentucky, Michigan, Ohio, Tennessee.
Seventh	Illinois, Indiana, Wisconsin.
Eighth	Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.
Ninth	Alaska, Arizona, California, Idaho, Montana, Nevada, Oregon, Washington, Guam, Hawaii.
Tenth	Colorado, Kansas, New Mexico, Oklahoma, Utah, Wyoming.
Eleventh	Alabama, Florida, Georgia.
Federal	All Federal judicial districts.

(June 25, 1948, ch. 646, 62 Stat. 870; Oct. 31, 1951, ch. 655, §34, 65 Stat. 723; Oct. 14, 1980, Pub. L. 96-452, §2, 94 Stat. 1994; Apr. 2, 1982, Pub. L. 97-164, title I, §101, 96 Stat. 25.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C. 1940 ed., §211, and section 864 of title 48, U.S.C., 1940 ed., Territories and Insular Pos-

sessions (Apr. 12, 1900, ch. 191, §35, 31 Stat. 85; Mar. 3, 1911, ch. 231, §116, 36 Stat. 1131; Jan. 28, 1915, ch. 22, §§1, 2, 38 Stat. 803; Mar. 2, 1917, ch. 145, §42, 39 Stat. 966; Feb. 13, 1925, ch. 229, §§1, 13, 43 Stat. 936, 942; Jan. 31, 1928, ch. 14, §1, 45 Stat. 54; Feb. 28, 1929, ch. 363, §1, 45 Stat. 1346; May 17, 1932, ch. 190, 47 Stat. 158).

Form of section was simplified.

The District of Columbia was added as a separate circuit. This is in accord with the decision of the Supreme Court of the United States which held the Court of Appeals for the District of Columbia to be a circuit court of appeals within the Transfer Act of Sept. 14, 1922, ch. 305, 42 Stat. 837, incorporated in the Judicial Code as §238(a), but repealed by act Feb. 13, 1925, ch. 229, §13, 43 Stat. 942. (See *Swift and Co. v. U.S.*, 1928, 48 S.Ct. 311, 276 U.S. 311, 72 L.Ed. 587.)

In recognizing the District of Columbia as a separate circuit, the Supreme Court recently used this language: “* * * the eleven circuits forming the single federal judiciary * * *”. *Comm’r. v. Bedford’s Estate*, 65 S.Ct. 1157, at page 1160, 325 U.S. 283, 89 L.Ed. 611.

See section 17 of title 28, U.S.C., 1940 ed., providing, “For the purposes of sections 17-23 of this title, the District of Columbia shall be deemed to be a judicial circuit * * *”, and act Dec. 23, 1944, ch. 724, 58 Stat. 925, which amended section 215 of title 28, U.S.C., 1940 ed., incorporated in section 42 of this title. Such amendment provided that for the purposes of said section 215 “the District of Columbia shall be deemed to be a judicial circuit.”

Many other acts of Congress have recognized the District of Columbia as a separate circuit. (See the following acts: Aug. 24, 1937, ch. 754, 50 Stat. 751; Feb. 11, 1938, ch. 25, 52 Stat. 28; Aug. 5, 1939, ch. 433, 53 Stat. 1204; Aug. 7, 1939, ch. 501, 53 Stat. 1223; Dec. 29, 1942, ch. 835, 56 Stat. 1094; May 11, 1944, ch. 192, 58 Stat. 218; Dec. 23, 1944, ch. 724, 58 Stat. 925.)

See also the following acts recognizing the Court of Appeals for the District of Columbia as a circuit court of appeals: Aug. 15, 1921, ch. 64, 42 Stat. 162; July 5, 1935, ch. 372, 49 Stat. 454; Aug. 24, 1937, ch. 754, 50 Stat. 751; Apr. 6, 1942, ch. 210, 56 Stat. 198; May 9, 1942, ch. 295, 56 Stat. 271. See also Rule 81(d) Federal Rules of Civil Procedure.

In the following cases the Supreme Court of the United States has recognized the status of the Court of Appeals of the District of Columbia as a permanent establishment within the federal judicial system: *O’Donoghue v. United States*, 1933, 53 S.Ct. 740, 289 U.S. 516, 77 L.Ed. 1356; *Federal Trade Commission v. Klesner*, 1927, 47 S.Ct. 557, 274 U.S. 145, 71 L.Ed. 972; *Claiborne-Annapolis Ferry v. United States*, 1932, 52 S.Ct. 440, 285 U.S. 382, 76 L.Ed. 808; *United States v. California Canneries*, 1929, 49 S.Ct. 423, 279 U.S. 553, 73 L.Ed. 838.

Alaska, Canal Zone, and Virgin Islands were added to the 9th, 5th, and 3rd Circuits, respectively, to conform to section 1294 of this title.

Some of the provisions of section 864 of title 48, U.S.C., 1940 ed., have been retained in said title. For those which were incorporated in other sections of this revised title, see Distribution Table.

AMENDMENTS

1982—Pub. L. 97-164 increased number of judicial circuits from twelve to thirteen through addition of Federal circuit composed of all Federal judicial districts.

1980—Pub. L. 96-452 substituted “twelve” for “eleven” in text preceding table, substituted “District of the Canal Zone” for “Alabama, Canal Zone, Florida, Georgia” in item relating to fifth circuit, and added new item relating to eleventh circuit.

1951—Act Oct. 31, 1951, inserted reference to Guam in that part relating to composition of Ninth judicial circuit.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of this title.